

ESTTA Tracking number: **ESTTA663561**

Filing date: **03/27/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following parties request to cancel indicated registration.

### Petitioner Information

Name	Andrew C Huszar		
Entity	Individual	Citizenship	UNITED STATES
Address	1485 Fifth Avenue New York, NY 10035 UNITED STATES		

Name	Siyana Y Kukularova		
Entity	Individual	Citizenship	BULGARIA
Address	1485 Fifth Avenue New York, NY 10035 UNITED STATES		

Attorney information	Michael F. Sarney Moritt Hock & Hamroff LLP 450 Seventh Avenue 15th Floor New York, NY 10123 UNITED STATES msarney@moritthock.com Phone:(212) 239-2000		
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### Registration Subject to Cancellation

Registration No	3716394	Registration date	11/24/2009
Registrant	Fashion Revolution Foundation 11214 W. Almeria Road Avondale, AZ 85392 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 025. First Use: 2008/01/01 First Use In Commerce: 2009/03/11 All goods and services in the class are cancelled, namely: Clothing, namely, mens and womens jeans, shirts, shorts, skirts, blouses, pants, jackets, sweaters, ties, vests, hats, socks, under garments
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel ARISE NOW.pdf(85262 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/michael sarney/
Name	Michael F. Sarney
Date	03/27/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Andrew Christopher Huszar and	)	
Siyana Yordanova Kukularova,	)	
	)	
	)	Cancellation No. _____
Petitioners,	)	Mark: ARISE NOW
	)	Reg. No. 3,716,394
v.	)	
	)	
Fashion Revolution Foundation,	)	
	)	
Registrant.	)	
	)	

**PETITION FOR CANCELLATION**

Believing they would be damaged by the continued registration of the mark ARISE NOW, in International Classes 25, Registration No. 3,716,394 ("the '394 Registration"), pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064, and through their undersigned attorneys, Petitioners, Andrew Christopher Huszar and Siyana Yordanova Kukularova hereby petition to cancel the same. As grounds for the Cancellation, Petitioners state as follows:

1. Petitioners are individuals residing in New York, New York.
2. Petitioners intend to market a variety of clothing goods under the mark a.rise ("Petitioners' Mark").
3. On June 26, 2014, Petitioners filed an application with the United States Patent and Trademark Office, assigned Application Serial No. 86321032, seeking to register Petitioners' Mark for goods in class 025.

4. In an October 6, 2014 Office Action, the USPTO Trademark Examining Attorney assigned to Application Serial No. 86321032 refused registration of Petitioners' Mark under Section 2(d) of the Trademark Act, in view of the '394 Registration for the mark ARISE NOW, for clothing, namely, mens and womens jeans, shirts, shorts, skirts, blouses, pants, jackets, sweaters, ties, vests, hats, socks, under garments, in class 25, finding that the two marks were similar. In a second Office Action, dated February 18, 2015, the Examining Attorney maintained the refusal to register Petitioner's Mark under Section 2(d), based on a likelihood of confusion with the registered ARISE NOW mark.

5. The '394 Registration issued on November 24, 2009, from an application filed in the U.S. Patent and Trademark Office on July 29, 2008. In the application, the Registrant claimed first use of the mark in commerce since January 1, 2008.

6. In or about March 2015, Petitioners conducted Internet searches and did not find any clothing items sold under the mark ARISE NOW, either by the owner of Registration No. 3,716,394, or anyone else.

7. In or about March 201, Petitioners also reviewed a website which, upon information and belief, is the website of the owner of the '394 Registration, and did not find any clothing items offered for sale under the mark ARISE NOW.

8. Upon information and belief, the registered mark has not been used as a trademark for the identified goods.

8. Upon information and belief, the Owner of the '394 Registration has ceased use of the ARISE NOW mark.

9. Upon information and belief, the Owner of the '394 Registration has abandoned the mark ARISE NOW.

10. Petitioners are being damaged by the continued registration by the mark ARISE NOW, and the '394 Registration should be cancelled for non-use and/or abandonment.

WHEREFORE, Petitioners request that this Petition for Cancellation be granted and that Reg. No. 3,716,394 be cancelled.

Dated: March 27, 2015

Respectfully submitted,

MORITT HOCK & HAMROFF LLP  
450 Seventh Avenue  
15<sup>th</sup> Floor  
New York, NY. 10123  
Tel. (212) 239-2000

By:   
Michael F. Sarney

Attorneys for Petitioners

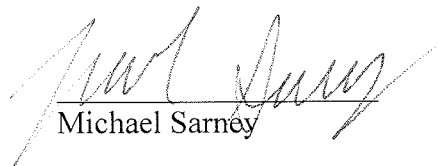
## CERTIFICATE OF SERVICE

I, the undersigned, Michael Sarney, hereby certified that on the 27<sup>th</sup> day of March, 2015, I caused to be served a true and correct copy of the foregoing

## PETITION FOR CANCELLATION

**By U.S. Mail**, first class, prepaid, by depositing the same in a depository of the United States Postal Service, on the Registrant, as follows:

Fashion Revolution Foundation  
11214 W. Almeria Road  
Avondale, ARIZONA 85392



Michael Sarney